

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NOVARTIS VACCINES & DIAGNOSTICS, §
INC. §

vs. §

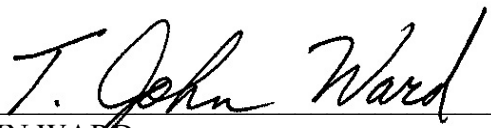
WYETH AND WYETH §
PHARMACEUTICALS, INC. §

CASE NO. 2:08-CV-67-TJW-CE

ORDER

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 135), which contains his recommendation that the court deny the defendants Wyeth's and Wyeth Pharmaceuticals, Inc.'s motion to dismiss (Dkt. No. 113), has been presented for consideration. No objections were filed to the report and recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts, in its entirety, the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the court DENIES the defendants' motion to dismiss.

SIGNED this 12th day of April, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE